

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,
Plaintiff

:

:

vs.

:

CRIMINAL NO. 1:CR-01-248-01

:

TRAVIS THURSTON PARKER,
Defendant

:

O R D E R

THE BACKGROUND OF THIS ORDER IS AS FOLLOWS:

The Defendant is serving two concurrent sentences of 180 months and has requested a reduction of his sentence pursuant to 18 U.S.C. §3582(c).¹ We must deny his request.

Defendant's guideline was determined to be 324 to 405 months, and on May 8, 2003, he was sentenced to concurrent terms of 324 months. On May 24 2005, pursuant to *U.S. v. Booker*, and considering the factors in 18 U.S.C. §3553(a), he was re-sentenced to concurrent terms of 180 months. This was about 45 per cent below the (now) advisory guideline range, which remains 324 to 405 months, based on his offense level of 38, and a criminal history category of IV.

The penalty imposed at re-sentencing is a non-guideline sentence, inasmuch as Defendant's guideline did not

¹Two applications were filed. One by the Defendant, the other by counsel.

change. The lower sentence resulted from *Booker* and the application of the section 3553(a) factors.

The supplement to the 2007 Guidelines Manual, in Section 1B1.10(b)(2)(B) provides in part:

However, if the original term of imprisonment constituted a non-guideline sentence determined pursuant to 18 U.S.C. §3553(a) and *United States v. Booker*, 543 U.S. 220 (2005), a further reduction generally would not be appropriate.

We conclude a further reduction of the sentence in this case is not indicated. Defendant was convicted of a serious drug offense and has incurred two disciplinary violations during his incarceration. He received a very substantial reduction when re-sentenced and further reduction in this case is in our view inappropriate.

It is Ordered that Defendant's requests for relief under 18 U.S.C. §3582(c) (docs. 323 and 333) are denied.

/s/William W. Caldwell
William W. Caldwell
United States District Judge

Date: July 21, 2008